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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,927	03/04/2002	Jarkko Oksala	915-005.010	6678
4955 7590 04/19/2007 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			EXAMINER TRAN, KHANH C	
			ART UNIT 2611	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/19/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/090,927

Applicant(s)

OKSALA ET AL.

Examiner

Khanh Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5-8,11-14,17,19,21,23 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3,5-8,12-14,17,19,21,23 and 31-34 is/are allowed.
- 6) ☒ Claim(s) 11,25 and 28 is/are rejected.
- 7) ☒ Claim(s) 26,27,29,30 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The Amendment filed on 02/02/2007 has been entered. Claims 1, 3, 5-8, 11-14, 17, 19, 21, 23 and 25-35 are pending in this Office action.

### ***Response to Arguments***

2. Applicant's arguments with respect to ***new claims 25 and 28*** have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 28 is objected to because of the following informalities: in line 8, "the received radio block" should be changed to -- a received radio block --. Appropriate correction is required.

4. Claim 34 is objected to because of the following informalities: in line 2, "an the radio frequency" should be changed to -- the radio frequency --. Appropriate correction is required.

5. Claim 35 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 34. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is

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proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "said predetermined interval " in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pecan U.S. Patent 6,603,825 B1 (previously cited).

Regarding claim 25, Pecen teachings apply to GSM General Packet Radio Service (GPRS) system and FIG. 1 illustrates a communication system 100 including a local transceiver 102 and a remote transceiver 104; see column 3 lines 5-15. In column 4 lines 35-60, Pecen further teaches the remote receiver 118 can track the value of a BCCH carrier broadcast by the local site. The BCCH carrier is continuously transmitted signal having a predetermined fixed level when it is transmitted by the local transceiver 102. Because of the fixed transmission level, the magnitude of the BCCH carrier when it is received at the remote transceiver 104 is indicative of the communication channel signal loss. By setting the gain of the receiver inversely to the magnitude of received carrier signal, the gain of the receiver is increased when the remote transceiver is receiving a weaker signal. In light of the foregoing, the remote receiver 118 corresponds to the claimed device; the broadcast control channel (BCCH) corresponds to the claimed logical general packet control channel.

Pecen does not explicitly disclose determining the reference level on the basis of at least one frame immediately preceding the received radio block as claimed in the application claim.

As known in the GSM GPRS system, BCCH channel is transmitted as frames. As recited above, Pecen discloses the remote receiver 118 can track the value of a BCCH carrier broadcast by the local site, the BCCH carrier is continuously transmitted signal having a predetermined fixed level when it is transmitted by the local transceiver 102. The Examiner's position is that one of ordinary skill in the art would have recognized that at any time instant, a BCCH frame can be defined as a frame preceding the

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received subsequent BCCH frames. Because the fixed transmission level, the magnitude of the BCCH carrier when it is received at the remote transceiver 104 is indicative of the communication channel signal loss. In view of that, a reference level (gain) can be determined based on the fixed transmission level at any particular frame preceding subsequent received BCCH frames. Furthermore, because of setting the gain of the receiver inversely to the magnitude of received carrier signal and the fixed transmission level of the BCCH carrier, one of ordinary skill in the art at the time the invention was made would have recognized that the remote transceiver 118 would correct the gain of the receiver based on the signal strength of the subsequent received BCCH signal.

Regarding claim 28, claim is rejected on the same ground as for claim 25 because of similar scope.

***Allowable Subject Matter***

8. Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. Claims 1, 3, 5-8, 12-13, 19, 21, 23 and 31-32 are allowed.

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The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, claim is allowable over prior art of record because the cited references cannot teach or suggest "correcting the reference level by calculating a running average of the reference level with respect to time" and "calculating the running average by using a predetermined number of said at least one frames as a forgetting factor".

10. Claims 14, 17 and 33-34 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 14, claim is allowable over prior art of record because the cited references cannot teach or suggest "correcting the reference level by calculating a running average of the reference level with respect to time" and "calculating the running average by using a predetermined number of said at least one frames as a forgetting factor".

11. Claims 26-27 and 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

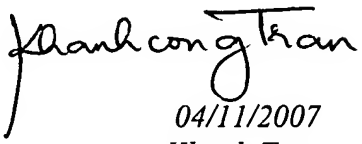
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCT

  
04/11/2007  
Khanh Tran  
Primary Examiner, AU 2611